

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Claude F. Guidroz, Ward I
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
November 17, 2015
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Mayor Pro Tem
Robin Mouton, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **November 17, 2015**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 1-6/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Reverend Memphis Jones, the Gospel of Jesus Christ Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Getz, Councilmembers Guidroz, Wright, Pate, and Mouton. Absent: Councilmember Samuel. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Councilmember Samuel was absent due to work.

Proclamations, Presentations, Recognitions

"National Adoption Month" - November, 2015 - Proclamation read by Councilmember Wright; accepted by Jennifer Vincent, Texas Department of Family and Protective Services

"World Aids Day" – December 1, 2015 – Proclamation read by Councilmember Mouton; accepted by Lesley Johnson with Legacy Community Health and Sherry Ulmer, Director of Beaumont's Public Health Department

"Small Business Saturday" – November 15, 2015 - Proclamation ready by Mayor Ames; accepted by Sade Chick, Director of Government Affairs and Communication, Greater Beaumont Chamber of Commerce, Stephanie Molina with Beaumont Convention and Tourism Bureau and Debbie Bridgeman with Better Business Bureau

Public Comment: Persons may speak on scheduled agenda items 1-6/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes – **November 10, 2015**
- * Confirmation of committee appointments – **None**
- A) Authorize the City Manager to execute an Industrial District Contract with DCP Southeast Texas Plant, LLC. – **Resolution 15 - 250**
- B) Authorize the City Manager to execute Change Order No. 1, accept maintenance and release final payment to Bruce's General Construction, Inc., for the Best Years Center Parking Lot No. 2 – **Resolution 15 - 251**

Mayor Pro Tem Getz moved to approve the Consent Agenda. Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, AND MOUTON

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider transferring a solid waste transportation service agreement from Enviro Waste Solutions (EWS) to Industrial Transportation Waste LLC.

On November 2, 2015, Industrial Transportation Waste LLC (ITW) sent a letter to the City indicating that ITW bought Enviro Waste Solutions (EWS). EWS has a solid waste franchise agreement with the City of Beaumont. According to City Ordinance 22.05.101, no person shall engage in the business of collecting, hauling or transporting, in the city, any garbage, waste or refuse, without first having obtained a franchise from the City. Five (5) entities currently have nonexclusive franchise agreements with the City and are doing business in this area. ITW serves southeast Texas with its corporate office located at 2300 Hwy 365, Suite 400 in Nederland.

ITW has requested that the City Council transfer the franchise agreement from EWS to ITW. The existing franchise provides for a term of one year from its effective date and a franchise fee of seven percent (7%) of gross revenues received for service. It also requires the entity to indemnify the City of Beaumont and provide insurance which names the City of Beaumont as a named insured. According to City Charter, unless provided in the ordinance granting the same, no public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance.

A franchise fee of seven percent (7%) of gross receipts will be paid to the City.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE APPROVING THE TRANSFER OF THE SOLID WASTE COLLECTION AND TRANSPORTATION SERVICE FRANCHISE FROM ENVIRO WASTE SOLUTIONS TO INDUSTRIAL TRANSPORTATION WASTE, LLC.** Mayor Pro Tem Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, AND MOUTON

NAYS: NONE

MOTION PASSED

Ordinance 15 - 051

2. Consider authorizing the City Manager to execute an Industrial District Contract with The Goodyear Tire and Rubber Company.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City currently has a contract with The Goodyear Tire and Rubber Company that will expire December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. The payments at 80% are subject to a floor and ceiling of 10% of the prior year payment and those at 75% are subject a floor and ceiling of 7%. Payments will be due to the City by February 1st of each year.

The estimated FY 2016 payment is \$1,051,900.

Approval of the resolution.

Mayor Pro Tem Getz moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH THE GOODYEAR TIRE AND RUBBER COMPANY, OF AKRON, OHIO.** Councilmember Mouton seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 15 – 252

3. Consider authorizing the City Manager to execute an Industrial District Contract with Arkema, Inc.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City currently has a contract with Arkema, Inc., that will expire December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. Payments will be due to the City by February 1st of each year.

Arkema's payment in FY 2015 was \$699,239. The estimated FY 2016 payment is \$681,000.

Approval of the resolution.

Councilmember Wright moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH ARKEMA, INC., OF BEAUMONT, TEXAS.** Councilmember Guidroz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 15 – 253

4. Consider authorizing the City Manager to execute an Industrial District Contract with Centana Intrastate Pipeline, LLC.

Industrial District Contracts enable the City to collect payments in lieu of taxes from industries located outside the city limits but within the extra territorial jurisdiction of the city.

The City currently has a contract with Centana Intrastate Pipeline, LLC that will expire December 31, 2015. The new contract will be effective January 1, 2016. The in-lieu of tax payment will be based on a ratio of 80% of property taxes due to the City as if the industry were located within the city limits in 2016 through 2018 and 75% of property taxes due to the City in 2019 through 2022. The 2016 payment will be calculated based on 80% of the assessed value multiplied by the tax rate effective on October 1, 2015 or \$0.69 per \$100 of assessed valuation. Payments will be due to the City by February 1st of each year.

The estimated FY 2016 payment is \$604,800.

Approval of the resolution.

Councilmember Mouton moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AN INDUSTRIAL DISTRICT AGREEMENT WITH CENTANA**

INTRASTATE PIPELINE, L.L.C., OF HOUSTON, TEXAS. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 15 – 254

5. Consider a resolution authorizing the City Manager to execute Change Order No. 2 for the Washington Boulevard Pavement and Drainage Improvement Project Phase I (Amarillo to Martin Luther King Parkway).

On March 25, 2014, by Resolution No. 14-067, City Council awarded Brystar Contracting, Inc., of Beaumont, Texas the contract for the Washington Boulevard Pavement and Drainage Improvement Project Phase I (Amarillo to Martin Luther King Parkway) in the amount of \$16,478,838.95. This project consists of reconstructing the existing dilapidated asphalt pavement, upgrading its storm sewer system and replacing water and sanitary sewer mains including its appurtenances.

Change Order No. 2 is requested to replace the existing piping system and fittings that connect the elevated water storage tank on Harriot Street to the City water distribution system. Previous Change Order No. 1 approved on March 17, 2015, by Resolution No. 15-051, decreased the original contract amount by (\$99,838.41) making the contract amount \$16,379,000.54. Proposed Change Order No. 2 in the amount of \$85,093.00 would increase the new contract amount to \$16,464,093.54.

Beaumont Municipal Airport Oil and Gas Revenues.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A CONTRACT TO BRYSTAR CONTRACTING, INC., OF BEAUMONT, TEXAS, IN THE AMOUNT OF **\$16,478,838.95** FOR THE WASHINGTON BOULEVARD PAVEMENT AND DRAINAGE IMPROVEMENT PROJECT PHASE I (AMARILLO TO MARTIN LUTHER KING PARKWAY). Councilmember Mouton seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 15 – 255

6. Consider a resolution authorizing the City Manager to execute Change Order No. 1, accept maintenance and release final payment to LD Construction for the Delaware Street Asphalt Resurfacing Project – Phase II.

On March 17, 2015, by Resolution No. 15-048, City Council awarded LD Construction of Beaumont, Texas the contract for the Delaware Street Asphalt Resurface Project Phase-II in the amount of \$342,414.02.

Change Order No. 1 in the amount of \$53,172.29 is necessary to adjust the estimated quantities to reflect the actual quantities used in the completion of the project, which increases the final contract amount to \$395,586.31.

The project has been inspected by the Engineering Division and found to be complete in accordance with the provisions and terms set forth in the contract. Acceptance of maintenance, approval of Change Order No. 1, and release of final payment in the amount of \$91,163.07 is recommended.

Capital Program.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE BID SUBMITTED BY LD CONSTRUCTION, OF BEAUMONT, TEXAS, IN THE AMOUNT OF **342,414.02** FOR A CONTRACT FOR THE DELAWARE STREET ASPHALT RESURFACING PROJECT – PHASE II BE ACCEPTED BY THE CITY OF BEAUMONT; AND, THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH LD CONSTRUCTION, OF BEAUMONT, TEXAS. Mayor Pro Tem Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE, AND MOUTON

NAYS: NONE

MOTION PASSED

Resolution 15 - 256

WORKSESSION

- * Review and discuss private warranty programs available for customer water/sewer lines - **Postponed**
- * Review and discuss options related to the management of the Tennis Center at the Athletic Complex - **Postponed**

COUNCILMEMBER COMMENTS

COUNCILMEMBER MOUTON -

GAVE CONDOLENCES TO THE FAMILIES OF THE VICTIMS IN PARIS, FRANCE, ASKED THAT EVERYONE CONTINUE TO PRAY

FOR THEM AND FOR OUR NATION BECAUSE WE ARE UNDER
ATTACK

COUNCILMEMBER SAMUEL -

ABSENT

COUNCILMEMBER PATE -

ECHOED THE COMMENTS OF COUNCILMEMBER MOUTON, COMMENTED ON SEVERAL GREAT EVENTS THAT OCCURRED ON LAST WEEKEND, STATED THAT THE CVB DOES A DESTINATION STATION TOUR AND DRIVE TO ALL OF THE MUSEUMS AND PLACES OF INTEREST IN THE CITY, ENCOURAGED EVERYONE TO TAKE A LOOK AT THE CVB.COM WEBSITE, IF IT'S SOMETHING THAT A CITIZEN WOULD LIKE TO DO LET THE CVB KNOW, MENTIONED THAT THE LAMAR UNIVERSITY FOOTBALL TEAM WILL PLAY THEIR LAST HOME GAME AGAINST McNEESE UNIVERSITY ON SATURDAY, NOVEMBER 21, 2015 AT 7:30 P.M.

COUNCILMEMBER WRIGHT -

EXTENDED PRAYERS TO THE CITIZENS OF FRANCE, ALSO COMMENTED ON THE TERRORISTS, HAD CONCERNS AS TO WHY TERRORISTS WOULD COME TO THE THIS AREA, ASKED THAT OUR LAW ENFORCEMENT BE DILIGENT IN REGARDS TO THE BIG EVENTS THAT THE CITY HAS

MAYOR PRO TEM GETZ -

COMMENTED ON THE TERRORIST AND THEIR TARGETS, STATED THAT EVERYONE NEEDS TO BE VIGILANT ABOUT WHAT'S GOING ON IN OUR COUNTRY, GAVE CONDOLENCES TO THE FAMILIES OF THE VICTIMS IN FRANCE, ANNOUNCED THAT THE DOWLEN/WEST NEIGHBORHOOD ASSOCIATION WILL BE MEETING ON TUESDAY, THE GUEST SPEAKER WILL BE BISD SUPERINTENDENT DR. FRASSARD, NOTICED WHILE HE WAS AT THE NLC CONFERENCE IN NASHVILLE THAT IN THE CITY PARKS THEY HAD CONCRETE PING PONG TABLES, ASKED THAT THE CITY MANAGER TAKE A LOOK AT THESE AND SEE IF THIS WOULDN'T BE SOMETHING FOR THE PARKS HERE IN THE CITY

COUNCILMEMBER GUIDROZ -

STATED THAT HE WAS GLAD TO BE BACK IN THE CITY OF BEAUMONT, WAS ALSO GLAD TO GET TO KNOW EACH OF THE CITY COUNCILMEMBERS ON A DIFFERENT LEVEL WHILE IN NASHVILLE, ALSO HAPPY TO GO TO QUANTICO TO SEE HIS GRANDSON INDUCTED AS A LIEUTENANT IN THE MARINES, STATED THAT HE IS TOUCHED BY PEOPLE THAT DO LOVING THINGS, ESPECIALLY BY THE PEOPLE THAT WERE AT COUNCIL TODAY WITH THE NATIONAL ADOPTION CENTER, ASKED THAT EVERYONE PRAY FOR OUR PRESIDENT AND PRAY FOR OUR COUNTRY, ALSO MENTIONED THE HOUSTON ASTROS AND THEIR ROOKIE OF THE YEAR CARLOS CORREA

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

NONE

MAYOR AMES -

THOUGHTS AND PRAYERS GO OUT TO THE PEOPLE IN PARIS, ALSO COMMENTED ON THE CELEBRATION OF VETERAN'S DAY THAT WAS HELD AT THE BEN ROGERS CONVENTION CENTER ON VETERAN'S DAY, AMERICAN HEART ASSOCIATION AND AMERICAN CANCER SOCIETY HAD THEIR WALKS ON SATURDAY AS WELL AS THE ALZHEIMER'S LUNCHEON ON TODAY AT THE MCM ELEGANTE' HOTEL, ALSO CONGRATULATED CATHOLIC CHARITIES FOR THE HARVEST OF HOPE THAT HONORED DR. MARK KUBALA IN MEMORY OF HIS LOVING WIFE BETTY KUBALA

Public Comments (Persons are limited to three minutes)

Marco Hernandez

2556 Angelina

Beaumont TX

Stated that he is a student at Lamar University and would like to present a petition calling for a Community Soccer Court at Imagination Station, stated that there is currently no place for Beaumont youth to play and practice the sport of soccer publicly in the center and southern part of town, stated that they have been playing at the tennis court at Imagination Station, however, the Beaumont Police Department has asked them to leave the premises and to never return, stated they no other place to practice soccer after sunset, the community has been in need of a place to practice and play soccer freely for several years, now that the BPD has demanded that they never return to the premises, it is impossible for members of their community to play the sport or soccer in a public space within their own city

With there being no Executive Session, Council adjourned at 2:26 p.m.

Audio available upon request in the City Clerk's Office.


Becky Ames, Mayor


Tina Broussard, City Clerk

